

REMARKS/ARGUMENTS

Claims 1- 15 remain unchanged. Claims 16-28 were previously withdrawn, as being drawn to a non-elected invention. The election was made without traverse.

Claims 1-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Benson (US 6,747,547) in view of Fox et al (US 5, 943,624). Applicant respectfully traverses this rejection for the following reasons.

It was argued that Benson teaches a wireless mobile device comprising a SIM card slot (Figure 4, item 12, column 6, lines 3-6) and a smart card reader module electrically connected to the mobile device via the SIM slot.

A. We would like to point out that the cited Benson reference was first published on 12/26/2002 as a US patent application US 2002/0196127. The present invention has a priority date of 07/30/2002, which is prior to the publication date of the Benson patent application. Accordingly, the inventors of the present invention could not have combined the cited Benson reference with any other patent because the content of the cited Benson reference was not published prior to the priority of their application. Therefore the cited Benson reference is an inappropriate prior art document and the suggested combination of Benson US 6,747,547 with Fox could not have been possible prior to the invention of this application.

B. Furthermore, as the Examiner admitted, the cited Benson reference does not teach connecting a contactless smart card reader module to the mobile device via the SIM card slot. Referring to the cited Benson reference column 6, lines 1-24, the alternative battery and apparatus back pack 2 includes a CPU 10 connected to the existing phone SIM socket 12. Also connected to the CPU is an OSIM interface 19 and an ESIM interface 22. The ESIM interface 22 includes an ESIM connector 23 that "may be a SMART card reader". In other words, the Benson reference does not teach a contactless smart card reader.

C. It was then argued that Fox teaches that a smart card reader/writer operable in a cellular phone may operate in a contactless setting. However, this not true. Referring to Fox et al, column 2, lines 10-29, teach “incorporating a smartcard 42 within a cellular phone 10” and not incorporating a smartcard reader/writer within a cell phone. Actually, Fox et al teach away from incorporating a smartcard reader/writer within the cell phone by teaching that an RF interface 40 provides a contactless interface between the incorporated smart card 42 and an external reader system (not shown).

Therefore, based on B and C we conclude that neither Benson nor Fox teach incorporating a contactless card reader within the cell phone.

D. Furthermore, it was argued that Benson teaches that a smart card may be used for payment. However, this is not true either. Referring to the cited column 4, lines 54-60, Benson teaches “Other equipment does require authentication from time to time for instance decoders for translation of television signals which might be connected by optical cable and otherwise to a signal provider, and such devices also then include an authentication module to ensure that a subscriber has an arrangement to effect payment for the services provided.” With all due respect, there is no mentioning of payment via a smart card here.

Therefore, based on B, C and D we conclude that neither Benson nor Fox teach incorporating a contactless card reader within the cell phone or paying with a smartcard residing outside of the mobile device. Accordingly, claim 1 is patentably distinguishable from Benson and/or Fox alone or in combination and the 35 U.S.C. 103(a) rejection is overcome.

Claims 2-15 depend directly or indirectly upon claim 1 and since claims 1 is patentably distinguishable from the cited prior art they should also be distinguishable from the cited prior art either alone or in combination with any other prior art.

It is believed that all of the pending claims have been addressed in this paper. Failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. Nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above, it is submitted that claims 1-15 are in condition for allowance. Reconsideration of the claims rejection is requested and allowance of all claims at an early date is solicited.

If this response is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at 617-558-5389

Respectfully submitted,

/Aliko K. Collins, Reg. No.: 43558/

Aliko K. Collins, Ph.D.

Reg. No. 43,558

AKC Patents, 215 Grove Street, Newton, MA 02466

TEL: 617-558-5389 and 781-235-4407, FAX: (781) 235-4409

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Date of Deposit 01/14/08

Name: Aliko K. Collins, Ph.D. Signature /Aliko K. Collins, Reg. No.: 43558/

I hereby certify under 37 CFR 1.10 that this correspondence is being electronically submitted on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450